

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

JENNIFER GIROUX, *et al.*

: Case No. 1:22-CV-309

Plaintiffs,

: Judge Cole

v.

FRANK LaROSE, *individually and in his official capacity as Ohio Secretary of State, et al.*,

: STIPULATION OF FACTS

Defendants.

:

1. A summary of the dates related to the adoption of state legislative district maps by the Ohio Redistricting Commission and the invalidation thereof by the Ohio Supreme Court is set forth below:

| | Adopted by the Ohio Redistricting Comm'n | Invalidated by the Ohio Supreme Court |
|-------|--|---------------------------------------|
| Map 1 | September 16, 2021 | January 12, 2022 |
| Map 2 | January 22, 2022 | February 7, 2022 |
| Map 3 | February 24, 2022 | March 16, 2022 |
| Map 4 | March 28, 2022 | April 14, 2022 |
| Map 5 | May 5, 2022 | May 25, 2022 |

2. In or about January 2022, Jennifer Giroux obtained from the Hamilton County Board of Elections a petition form and information package to be a candidate for state representative in the Republican primary that was then set for May 3, 2022.

3. In publishing a list of individuals in or about January 2022 of those individuals who had taken out petitions as potential candidates, as well as the status of petitions that had been filed,

the Hamilton County Board of Election included Jennifer Giroux as having taken out a petition for state representative.

4. According to the records of the Hamilton County Board of Elections, Jennifer Giroux is registered to vote in Indian Hill, a village located in Hamilton County.

5. Under state law, **February 2, 2022**, was the deadline for the filing of declaration of candidacy and a petition therewith to be a candidate for party nomination at the primary election to be held on May 3, 2022.

6. On or before **February 2, 2022**, with respect to the state legislative district map then in effect, *i.e.*, *Map 2* adopted by the Ohio Redistricting Commission on January 24, 2022, three persons filed declarations of candidacy and petitions for the nomination of the Republican Party for state representative from State House District 27: Curt Hartman; Joseph Murray; and Lindsay Cole.

7. On **February 7, 2022**, *Map 2* was invalidated by the Ohio Supreme Court.

8. On **February 18, 2022**, a group of Ohio voters filed in the United States District Court for the Southern District of Ohio, styled *Gonidakis v. LaRose* and assigned Case No. 2:22-cv-0773.¹ Ultimately, on **March 18, 2022**, a three-judge panel was appointed for the *Gonidakis* case pursuant to 28 U.S.C. § 2284(a).

9. On **February 24, 2022**, the Ohio Redistricting Commission adopted *Map 3* as the state legislative district map.

¹ The parties agree and stipulate that this Court may take judicial notice, pursuant to Fed. R. Evid. 201, of the filings and orders in the *Gonidakis* case.

10. On **February 25, 2022**, Jennifer Giroux signed a declaration of candidacy to be a Republican candidate for the United States House of Representatives for the First Congressional District.

11. A true and accurate copy of the congressional declaration of candidacy of Jennifer Giroux is attached hereto.

12. On **March 2, 2022**, Jennifer Giroux filed a declaration of candidacy and petition with the Hamilton County Board of Elections to run as a Republican candidate for the United States House of Representatives for the First Congressional District. Her petitions contained 75 valid signatures.

13. Under state law, *i.e.*, Section 4(A) of H.B. 93, passed by the Ohio General Assembly on January 27, 2022, **March 4, 2022**, was the deadline for filing declaration of candidacy a petition therewith to be a candidate for United States House of Representatives for the primary election to be held on May 3, 2022.

14. On **March 8, 2022**, the Hamilton County Board of Elections certified Jennifer Giroux to appear on the ballot as a Republican candidate for the U.S. House of Representatives for the First Congressional District at the forthcoming primary election to be held on May 3, 2022.

15. On **March 9, 2022**, Ohio Secretary of State Frank LaRose issued *Directive 2022-28*.

16. A true and accurate copy of *Directive 2022-28* is attached hereto.

17. Pursuant to *Directive 2022-28*, Ohio Secretary of State Frank Larose set forth the forms of the official ballots to be used in the primary election on May 3, 2022, that included the races for the state legislature.

18. On **March 13, 2022**, Curt Hartman, one of the individuals who had filed a declaration of candidacy and petition on February 2, 2022, *see paragraph 6, supra*, transmitted to the Hamilton County Board of Elections a letter indicating that, “based upon the maps for the General Assembly adopted by the Ohio Redistricting Commission on February 24, 2022, I do not wish for my name to appear on the ballot as a candidate at the forthcoming primary on May 3, 2022, based upon such maps.”

19. A true and accurate copy of the *Hartman Letter* is attached hereto.

20. After the *Hartman Letter*, there were still two candidates seeking the Republican Party nomination for state representative from State House District 27 who filed petitions on or before February 2, 2022, *viz.*, Joseph Murray and Lindsay Cole.

21. Within *Directive 2022-28* (Section VI), Ohio Secretary of State Frank LaRose set a deadline of **March 14, 2022**, for persons who had filed petitions as candidates for state representative to withdraw their candidacy in order for their names to not appear on the ballot.

22. On **March 16, 2022**, the Ohio Supreme Court invalidated the state legislative district map adopted by the Ohio Redistricting Commission on February 24, 2022, *i.e.*, *Map 3*.

23. On **March 17, 2022**, Ohio Secretary of State Frank LaRose issued *Directive 2022-30*.

24. A true and accurate copy of *Directive 2022-30* is attached hereto.

25. On **March 23, 2022**, Ohio Secretary of State Frank LaRose issued *Directive 2022-31*.

26. A true and accurate copy of *Directive 2022-31* is attached hereto.

27. Within *Directive 2022-31*, Ohio Secretary of State Frank LaRose declared that, “[i]n the wake of the Ohio Supreme Court’s decision last week invalidating the February 24, 2022 General Assembly district plan, it is not possible to include the primary contests for the Ohio House, Ohio Senate, and State Central Committee on the May 3, 2022 Primary Election ballot.”

28. Within *Directive 2022-31*, Ohio Secretary of State Frank LaRose directed that “offices and candidates for Ohio House, Ohio Senate, or State Central Committee will not appear on the ballot.”

29. On **April 14, 2022**, *Map 4* was invalidated by the Ohio Supreme Court.

30. On **April 20, 2022**, the three-judge panel in the *Gonidakis* case issued a *Memorandum Opinion & Order* wherein it announced that “[i]n the event that Ohio does not reach a resolution [of the maps for the state legislature] before May 28, [it] will order that the state-legislative primary races be held on the special-election date of August 2, 2022” and that “Map 3 is the map we will order to be implemented on May 28, for the 2022 election cycle only, if Ohio does not approve a lawful map before then.” *See Gonidakis v. LaRose*, No. 2:22-cv-0773, 2022 U.S. Dist. LEXIS 72172, 2022 WL 1175617 (S.D. Ohio Apr. 20, 2022).

31. On **April 25, 2022**, at 12:24 pm, Jennifer Giroux filed with the Hamilton County Board of Elections a *Notice of Withdrawal* of her candidacy for the U.S. House of Representatives for the First District Congressional.

32. A true and accurate copy of the *Notice of Withdrawal* is attached hereto.

33. On **April 25, 2022**, through execution of a declaration of candidacy (ultimately filed with the Hamilton County Board of Election on May 2, 2022), Jennifer Giroux declared her desire

to be a candidate for nomination of the Republican Party to the office of state representative and then commenced circulating the petition in support of her candidacy.

34. On May 2, 2022, Jennifer Giroux filed a declaration of candidacy and a petition, together with the appropriate filing fee, with the HAMILTON COUNTY BOARD OF ELECTIONS, to be a candidate for nomination of the Republican Party to the office of state representative

35. True and accurate copies of the part-petitions which Jennifer Giroux ultimately filed with the Hamilton County Board of Elections (which included the signed declaration of candidacy dated April 25, 2022) are attached hereto.

36. A true and accurate copy of the receipt from the Hamilton County Board of Elections indicating payment by Jennifer Giroux of the petition filing fee is attached.

37. On May 3, 2022, Jennifer Giroux's name appeared on the Republican primary ballot as a candidate for the United States House of Representatives for the First District, although the Hamilton County Board of Elections did not count votes cast for her and placed signs at voting locations to inform voters that votes for Giroux would not be counted.

38. On May 27, 2022, the three-judge panel in the *Gonidakis* case issued an *Order* wherein it declared and announced that, with respect to the adoption of state legislative district maps, the State of Ohio “[had] failed to act” and, in turn, the three-judge ordered that, “[a]ssuming no map is approved by midnight on Saturday, May 28, we order Secretary of State Frank LaRose to push back Ohio’s state primaries to August 2, 2022, and to implement Map 3 for this year’s elections only.” *Gonidakis v. LaRose*, No. 2:22-cv-0773, 2022 U.S. Dist. LEXIS 95341 (S.D. Ohio May 27, 2022).

39. Jennifer Giroux resides in the 27th State House District as indicated on *Map 3*.
40. On **May 28, 2022**, and in response to the foregoing order of the three-judge panel, Secretary LAROSE issued *Directive 2022-34*.
41. A true and accurate copy of Directive 2022-34 is attached hereto.
42. Within *Directive 2022-34*, Secretary LAROSE made the following declaration and directive to the various boards of elections concerning individuals seeking to be candidates for the state legislature at the forthcoming primary election now set for August 2, 2022:

The filing deadline for candidates for State Representative, State Senator, or Member of State Central Committee to file a declaration of candidacy was 4:00 p.m. on February 2, 2022. Write-in candidates for the primary election were required to file their declaration of intent to be a write-in candidate by February 22, 2022. If a declaration of candidacy or declaration of intent to be a write-in candidate was filed after those filing deadlines, the board must reject the candidacy.

43. On **June 8, 2022**, the Hamilton County Board of Elections rejected the declaration of candidacy and petition of Jennifer Giroux to be a candidate for nomination of the Republican Party to the office of state representative from the 27th State House District in conformity with *Directive 2022-34* as the declaration of candidacy and petition was filed after February 2, 2022.

44. An audiovisual recording of the meeting of the Hamilton County Board of Elections held on June 8, 2022, is located at <https://www.youtube.com/watch?v=XP7TFWzIB54>.

Respectfully submitted,

/s/ Curt C. Hartman

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